

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:  
  
TRACK 2 SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF  
PLAINTIFFS' SECOND SUPPLEMENTAL SUBMISSION IN SUPPORT OF A  
REBALANCED TRACK TWO SETTLEMENT**

I, Steve W. Berman, duly declare under penalty of perjury as follows:

1. I am a partner of Hagens Berman Sobol Shapiro LLP, resident in its Seattle, Washington, office, and I am Co-Lead Counsel for the Plaintiffs in the above-captioned matter. I submit this declaration under penalty of perjury in support of Plaintiffs' Second Supplemental Submission in Support of a Rebalanced Track Two Settlement.

2. Attached hereto as Exhibit A is a true and correct copy of the Corrected Amended Civil Action Complaint dated March 9, 2005, filed in *Commonwealth of Pennsylvania v. TAP Pharmaceuticals, et al.*

3. Attached hereto as Exhibit B is a true and correct copy of the Final Settlement Agreement and Release dated April 11, 2011, filed in *Commonwealth of Pennsylvania v. TAP Pharmaceuticals, et al.*

Executed this 19th day of August, 2011, in Seattle, Washington.

**/s/ Steve W. Berman**

STEVE W. BERMAN

**CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, ***Declaration of Steve W. Berman in Support of Plaintiffs' Second Supplemental Submission in Support of a Rebalanced Track Two Settlement***, to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on August 19, 2011, a copy to LexisNexis File & Serve for posting and notification to all parties.

By           /s/ Steve W. Berman            
Steve W. Berman